

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

PAUL KUHNS,

Plaintiff,

vs.

CITY OF ALBANY, CURTIS BELL,
BLAKE MILLER, and MARIO
LATTANZIO,

Defendants.

Case No. 6:18-cv-01254-MK
OPINION AND ORDER

AIKEN, District Judge:

United States Magistrate Judge Mustafa T. Kasubhai filed his Findings and Recommendations (“F&R”) (doc. 12) on October 10, 2018. In the F&R, Magistrate Judge Kasubhai recommended that this Court grant defendants Chief Lattanzio and the City of Albany’s (“the City”) Partial Motion to Dismiss (doc. 8) and grant plaintiff leave to file an amended complaint within 30 days. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections (doc. 14) to which defendants responded (doc. 15). When any party objects to a magistrate judge’s F&R, the District Court must make a *de novo* determination of the specified proposed findings or recommendations to which the objection is

made. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has considered plaintiff's objections and defendants response and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no errors in the F&R. Accordingly, the Court ADOPTS Magistrate Judge Kasubhai's F&R (doc. 12). Defendants' Partial Motion to Dismiss (doc. 8) is GRANTED. Plaintiff's *Monell* claim against Chief Lattanzio is DISMISSED with prejudice and plaintiff's *Monell* claims against the City are DISMISSED without prejudice. Plaintiffs have leave to file an amended complaint within 30 days of the date of this Opinion and Order.

IT IS SO ORDERED.

Dated this 30th day of November 2018.



Ann Aiken
United States District Judge